

EXHIBIT E

KENNETH G. HANSEN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANE L. KELLEY and KENNETH)
HANSEN,)

Plaintiffs,)

-vs-) No. C07-0475 MJP

MICROSOFT CORPORATION, a)
Washington Corporation,)

Defendant.)

CERTIFIED COPY

Deposition of KENNETH G. HANSEN, taken
before MARGARET A. BACHNER, CSR, RMR, CRR, and Notary
Public, pursuant to the Federal Rules of Civil
Procedure for the United States District Courts
pertaining to the taking of depositions for the
purpose of discovery, at Suite 3800, One South
Dearborn Street, Chicago, Illinois, on the 7th day of
November, A.D. 2007, at 9:19 a.m.

M E R R I L L L E G A L S O L U T I O N S

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<p>1 KENNETH G. HANSEN</p> <p>2 A. One.</p> <p>3 Q. When was that?</p> <p>4 A. 1976.</p> <p>5 Q. What year did you graduate from high</p> <p>6 school?</p> <p>7 A. '74.</p> <p>8 Q. Why did you quit college?</p> <p>9 A. I was going part-time, and it -- between</p> <p>10 work and everything, it got to be a little bit</p> <p>11 burdensome. I was on rotating shifts at work and</p> <p>12 that. And I lost interest.</p> <p>13 Q. What was the nature of your work at that</p> <p>14 time?</p> <p>15 A. Police officer.</p> <p>16 Q. Where?</p> <p>17 A. When I was going to college, Great Lakes</p> <p>18 Police Department, and then Lake County Forest</p> <p>19 Preserve Police.</p> <p>20 Q. How long did you work as a police officer?</p> <p>21 A. Twelve years.</p> <p>22 Q. And did you work just for those two</p> <p>23 jurisdictions?</p> <p>24 A. Yes.</p> <p>25 Q. How many years in each did you spend?</p>	<p>1 KENNETH G. HANSEN</p> <p>2 Q. Did you get any more formal education after</p> <p>3 your one year of college?</p> <p>4 A. Outside of the police academy, no.</p> <p>5 Q. Do you have any more training than you've</p> <p>6 just described in computers?</p> <p>7 A. Yes. I am an A+ Certified Hardware</p> <p>8 Technician. That's through CompTIA. It's an industry</p> <p>9 certification. And throughout the years I took</p> <p>10 specialized training with IBM, Compaq and</p> <p>11 Hewlett-Packard for the purpose of doing warranty</p> <p>12 repairs on their products.</p> <p>13 Q. So, did you have a computer business for a</p> <p>14 while?</p> <p>15 A. It never really got off the ground, but</p> <p>16 yes.</p> <p>17 Q. How did you come to take these classes?</p> <p>18 A. They were -- when I was working at a</p> <p>19 dealership for IBM, Compaq and that, they would</p> <p>20 routinely send me out to get certified on repairing</p> <p>21 products as they came, you know, out on the market so</p> <p>22 that I could do warranty repairs.</p> <p>23 Q. Okay. When did you do that work?</p> <p>24 A. This was over the course of the</p> <p>25 mid-nineties.</p>
Page 11	Page 13
<p>1 KENNETH G. HANSEN</p> <p>2 A. Two at Great Lakes and 10 at Lake County.</p> <p>3 Q. Are these both in Illinois?</p> <p>4 A. Yes.</p> <p>5 Q. What was your rank when you finished?</p> <p>6 A. When I left, I had the title of Shift</p> <p>7 Commander. And that -- I wore sergeant's stripes,</p> <p>8 although we weren't referred to as sergeant. Small</p> <p>9 department.</p> <p>10 Q. What was the nature of your duties?</p> <p>11 A. Patrol the developed and undeveloped areas</p> <p>12 of the forest preserve, enforce traffic laws, criminal</p> <p>13 laws, conservation laws, schedule rangers for</p> <p>14 patrolling the developed picnic areas and supervising</p> <p>15 them.</p> <p>16 Q. Now, was this a municipality that you</p> <p>17 worked for?</p> <p>18 A. It's a -- in Illinois it's called a special</p> <p>19 district, much like a water reclamation district, a</p> <p>20 forest preserve district.</p> <p>21 Q. So, your jurisdiction was the forest</p> <p>22 preserve?</p> <p>23 A. Yes. We were deputy sheriffs, so we did</p> <p>24 have authority throughout the County. But our focus</p> <p>25 was, of course, the forest preserve.</p>	<p>1 KENNETH G. HANSEN</p> <p>2 Q. Was this after you stopped being a police</p> <p>3 officer?</p> <p>4 A. Yes.</p> <p>5 Q. What did you do immediately after you</p> <p>6 ceased your police officer duties?</p> <p>7 A. At the time they were beginning their --</p> <p>8 the forest preserve was beginning its own IT</p> <p>9 department to separate themselves from the main</p> <p>10 county, and I was selected to head that department, at</p> <p>11 which time I left the police department and took over</p> <p>12 the systems administrator position.</p> <p>13 Q. What sort of computers did you work with?</p> <p>14 A. IBM.</p> <p>15 Q. What software did they have?</p> <p>16 A. OS2.</p> <p>17 Q. How long did you do that?</p> <p>18 A. I did that for one year.</p> <p>19 Q. Which was when?</p> <p>20 A. 1991, I believe.</p> <p>21 Q. What did you do after that for work?</p> <p>22 A. After doing that for a year I went over the</p> <p>23 road with my brother driving a semi truck, a change of</p> <p>24 pace.</p> <p>25 Q. How long did you drive the truck?</p>

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<p style="text-align: right;">Page 18</p> <p>1 KENNETH G. HANSEN</p> <p>2 Q. How long did you do that?</p> <p>3 A. About a year.</p> <p>4 Q. What did you do next?</p> <p>5 A. I had a stint of unemployment for a few</p> <p>6 years.</p> <p>7 Q. What did you do during your unemployed</p> <p>8 time?</p> <p>9 A. Looked for jobs. Eventually I -- I had a</p> <p>10 short stint as a hotel front desk clerk. My -- you</p> <p>11 know, my longest employment was with ABN AMRO Bank,</p> <p>12 and that was for three years.</p> <p>13 Q. When was that?</p> <p>14 A. From 2003 to 2006.</p> <p>15 Q. Where is the bank located?</p> <p>16 A. It was -- my branch that I worked at was</p> <p>17 located in Norridge, Illinois.</p> <p>18 Q. Is that a Chicago suburb?</p> <p>19 A. Yes.</p> <p>20 Q. About when in 2006 did you cease that</p> <p>21 employment?</p> <p>22 A. The end of November.</p> <p>23 Q. Did you live in Chicago during this time?</p> <p>24 A. Yes.</p> <p>25 Q. So, why did you leave that job?</p>	<p style="text-align: right;">Page 20</p> <p>1 KENNETH G. HANSEN</p> <p>2 Q. During what period of time were you</p> <p>3 operating the retail website?</p> <p>4 A. From January of this year until the end of</p> <p>5 July. I mean, it was still up as of a month ago, but</p> <p>6 I wasn't maintaining it, I wasn't getting any orders.</p> <p>7 Q. What was the name of the website?</p> <p>8 A. My Beach Things.</p> <p>9 Q. Mybeachthings.com?</p> <p>10 A. Yes.</p> <p>11 Q. Were you the sole owner?</p> <p>12 A. Yes.</p> <p>13 Q. Were you attempting to sell merchandise</p> <p>14 over the website?</p> <p>15 A. Yes.</p> <p>16 Q. What merchandise were you attempting to</p> <p>17 sell?</p> <p>18 A. Beachwear and accessories.</p> <p>19 Q. Did you use computers in that business?</p> <p>20 A. Yes.</p> <p>21 Q. What computers?</p> <p>22 A. My Dell Dimension desktop and this laptop.</p> <p>23 Q. Any others?</p> <p>24 A. No.</p> <p>25 Q. What did you use the Dell Dimension for as</p>
<p style="text-align: right;">Page 19</p> <p>1 KENNETH G. HANSEN</p> <p>2 A. They left me. They were shutting down that</p> <p>3 particular call center. There were redundant call</p> <p>4 centers, three in the country, one in Jacksonville,</p> <p>5 Florida and one in Troy, Michigan and the one here in</p> <p>6 Norridge. They chose to shut down the Norridge</p> <p>7 facility and focus -- their main office is in</p> <p>8 Jacksonville.</p> <p>9 Q. What were your duties during the three</p> <p>10 years that you worked there?</p> <p>11 A. I was a mortgage customer service</p> <p>12 representative.</p> <p>13 Q. So, was it your job to talk to people over</p> <p>14 the phone who had mortgages with the bank?</p> <p>15 A. Yes. It was an inbound call center.</p> <p>16 Q. Help them out with questions and so forth?</p> <p>17 A. Yes.</p> <p>18 Q. What was your next employment when you left</p> <p>19 that job in November of 2006?</p> <p>20 A. At that point I took a severance package,</p> <p>21 and I started my own retail website and basically was</p> <p>22 trying to make a go of that until July of this year</p> <p>23 when it just wasn't -- it was costing me money to</p> <p>24 operate, and I wasn't getting any in return. So,</p> <p>25 presently I'm unemployed and looking.</p>	<p style="text-align: right;">Page 21</p> <p>1 KENNETH G. HANSEN</p> <p>2 opposed to what you used the Toshiba laptop for?</p> <p>3 A. I used them both for the same thing. Of</p> <p>4 course, the laptop was something portable that I could</p> <p>5 have on in my living room so I could maybe do</p> <p>6 something during TV commercials, you know, that sort</p> <p>7 of thing. I intended to have a laptop in case I had</p> <p>8 to do anything off-site per se or needed to travel.</p> <p>9 It's just part of the business. It seemed logical</p> <p>10 that I should have a laptop.</p> <p>11 Q. So that the two computers, each did the</p> <p>12 same function, just at different times?</p> <p>13 A. Yes.</p> <p>14 Q. And did both of them do all the things you</p> <p>15 needed to do satisfactorily?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have plans for future employment?</p> <p>18 A. Yes.</p> <p>19 Q. Anything immediate?</p> <p>20 A. Not in the immediate. Looking right now.</p> <p>21 Q. Have you had any jobs that you haven't told</p> <p>22 me about?</p> <p>23 MR. TILDEN: Object to the form. Marines?</p> <p>24 BY THE WITNESS:</p> <p>25 A. Marine Corps. And, of course, I had a few</p>

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<p style="text-align: right;">Page 26</p> <p>1 KENNETH G. HANSEN</p> <p>2 capable of running Windows Vista?</p> <p>3 MR. TILDEN: Object to the form. Go ahead.</p> <p>4 BY THE WITNESS:</p> <p>5 A. According to the sticker, yes. According</p> <p>6 to what I read from, like, "PC World" and Kim Komando,</p> <p>7 that it was limited to what version of Vista, and 500</p> <p>8 megabytes really was not the desired memory to have in</p> <p>9 order to run Vista correctly.</p> <p>10 BY MR. CASPER:</p> <p>11 Q. Did you understand at the time that you</p> <p>12 bought the computer that the minimum specified memory</p> <p>13 required to run Windows Vista was 512 megabytes?</p> <p>14 A. Yes.</p> <p>15 Q. Does the Toshiba laptop that you bought</p> <p>16 have 512 megabytes of memory?</p> <p>17 A. Yes. Not anymore, but it did when I</p> <p>18 purchased it.</p> <p>19 Q. It has more now, correct?</p> <p>20 A. Yes.</p> <p>21 Q. At the time you purchased the Toshiba</p> <p>22 laptop, did it fall short of the specifications to run</p> <p>23 Windows Vista in any way?</p> <p>24 MR. TILDEN: Object to the form.</p> <p>25 BY THE WITNESS:</p>	<p style="text-align: right;">Page 28</p> <p>1 KENNETH G. HANSEN</p> <p>2 Q. What was the state of your knowledge at</p> <p>3 that time?</p> <p>4 A. As I recall, it was there's a Home version</p> <p>5 and a Business version. Those were the basic things</p> <p>6 that I recall.</p> <p>7 Q. Did I understand your testimony correctly</p> <p>8 that you did not become aware of the Aero user</p> <p>9 interface until about the time Windows Vista was</p> <p>10 released in late January of 2007?</p> <p>11 A. The term "Aero" was after its release,</p> <p>12 yeah.</p> <p>13 Q. Have you upgraded your laptop to Windows</p> <p>14 Vista?</p> <p>15 A. Not yet.</p> <p>16 Q. Do you plan to?</p> <p>17 MR. TILDEN: Object to the form. Go ahead.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Yes. Basically, like most computer-related</p> <p>20 products, I'm kind of waiting for the price to go</p> <p>21 down.</p> <p>22 BY MR. CASPER:</p> <p>23 Q. Would it be correct to say that you don't</p> <p>24 have any knowledge of how Windows Vista will perform</p> <p>25 on your new computer?</p>
<p style="text-align: right;">Page 27</p> <p>1 KENNETH G. HANSEN</p> <p>2 A. My understanding is it fell short of</p> <p>3 running anything other than the basic.</p> <p>4 BY MR. CASPER:</p> <p>5 Q. At the time you purchased it, your</p> <p>6 understanding is that it was capable of running</p> <p>7 Windows Vista Home Basic if you chose to upgrade?</p> <p>8 A. I was unaware of the various levels of</p> <p>9 Vista at that time. And to use a term, the bells and</p> <p>10 whistles that Vista advertised, I was under the</p> <p>11 impression this machine would in fact be capable of</p> <p>12 doing that.</p> <p>13 Q. When did you become aware of the different</p> <p>14 levels, as you called them, of Vista?</p> <p>15 A. As I recall, as it was being released in</p> <p>16 January, if memory serves me.</p> <p>17 Q. So, that would be around the end of January</p> <p>18 2007?</p> <p>19 A. Yes.</p> <p>20 Q. So, am I correct in understanding your</p> <p>21 testimony that at the time you purchased the laptop,</p> <p>22 which was in December of 2006, you were not aware of</p> <p>23 the different levels or editions of Windows Vista?</p> <p>24 A. I was not aware of the features and</p> <p>25 requirements as detailed as I am now.</p>	<p style="text-align: right;">Page 29</p> <p>1 KENNETH G. HANSEN</p> <p>2 MR. TILDEN: Object to the form.</p> <p>3 Chuck, our obligation under the Rules here</p> <p>4 is not to give any coaching objections or any other</p> <p>5 kind, and I follow that requirement strictly. Almost</p> <p>6 all my objections here are of the same kind, and I'll</p> <p>7 be happy to discuss it with you, if you ask. But</p> <p>8 otherwise I'll keep my mouth shut.</p> <p>9 THE WITNESS: Could you repeat the question?</p> <p>10 (Record read as requested.)</p> <p>11 BY MR. CASPER:</p> <p>12 Q. Let me rephrase the question.</p> <p>13 Is it correct to say that you do not have</p> <p>14 any knowledge of how Windows Vista would perform if</p> <p>15 installed on your new computer?</p> <p>16 MR. TILDEN: Same objection.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I am aware of the specifications and the</p> <p>19 reviews by industry sources, such as "PC World" and</p> <p>20 Kim Komando, what is to be expected. But I would not</p> <p>21 know how that would perform until I actually do it.</p> <p>22 BY MR. CASPER:</p> <p>23 Q. When did you become aware of these industry</p> <p>24 reviews?</p> <p>25 A. Shortly after its release, or on or about</p>

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1 KENNETH G. HANSEN
 2 MR. TILDEN: Object to the form.
 3 Chuck, our obligation under the Rules here
 4 is not to give any coaching objections or any other
 5 kind, and I follow that requirement strictly. Almost
 6 all my objections here are of the same kind, and I'll
 7 be happy to discuss it with you, if you ask. But
 8 otherwise I'll keep my mouth shut.
 9 THE WITNESS: Could you repeat the question?
 10 (Record read as requested.)
 11 BY MR. CASPER:
 12 Q. Let me rephrase the question.
 13 Is it correct to say that you do not have
 14 any knowledge of how Windows Vista would perform if
 15 installed on your new computer?
 16 MR. TILDEN: Same objection.
 17 BY THE WITNESS:
 18 A. I am aware of the specifications and the
 19 reviews by industry sources, such as "PC World" and
 20 Kim Komando, what is to be expected. But I would not
 21 know how that would perform until I actually do it.
 22 BY MR. CASPER:
 23 Q. When did you become aware of these industry
 24 reviews?
 25 A. Shortly after its release, or on or about

1 KENNETH G. HANSEN
 2 Q. Is that a laptop or a desktop PC?
 3 A. It is a desktop.
 4 Q. When did you buy it?
 5 A. I believe 2003.
 6 Q. What operating system does it have
 7 installed on it?
 8 A. XP Service Pack 2.
 9 Q. What do you do with it?
 10 A. Well, I was running the website, e-mail,
 11 searches through Google, basic Office program, such as
 12 preparing letters, resumes, home budget on a
 13 spreadsheet, things like that. I would assume the
 14 typical consumer use.
 15 Q. Does it do all the things that you need it
 16 to do well?
 17 A. Yes.
 18 Q. Does it have a word processing program
 19 installed on it?
 20 A. Yes. Are we talking about the Dell?
 21 Q. We're talking about the Dell Dimension.
 22 A. Yes.
 23 Q. Which program does it have?
 24 A. I'm using Sun Microsystems' OpenOffice on
 25 that one.

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1 KENNETH G. HANSEN
 2 the time of its release.
 3 Q. That is, the release of Windows Vista in
 4 January of 2007?
 5 A. Yes.
 6 Q. Am I correct that the computer that you're
 7 suing Microsoft over is a Toshiba laptop Satellite
 8 Model M115?
 9 A. Correct.
 10 Q. Is this the only PC that you're suing
 11 Microsoft over?
 12 A. Yes.
 13 Q. Did you pay \$799 for that plus \$50 of tax
 14 for a total of \$849?
 15 A. That sounds correct.
 16 Q. Did you buy it on December 22nd, 2006?
 17 A. I believe so.
 18 Q. What led you to purchase it when you did?
 19 A. The -- well, I was beginning my website,
 20 beginning to put together that business and building a
 21 home office. And that was just part of what I felt I
 22 needed to get started.
 23 Q. You said you also have a Dell Dimension, is
 24 that correct?
 25 A. Correct.

1 KENNETH G. HANSEN
 2 Q. Does it have Microsoft Office installed?
 3 A. No, I believe it has Works.
 4 Q. Did it ever have Microsoft Office
 5 installed?
 6 A. No.
 7 Q. At the time that you bought that computer,
 8 what operating system was preinstalled on it?
 9 A. XP.
 10 Q. XP Service Pack 2?
 11 A. Service Pack 1.
 12 Q. Did you upgrade to Service Pack 2 yourself?
 13 A. Yes.
 14 Q. Did that go okay?
 15 A. Yes.
 16 Q. No problems?
 17 A. No.
 18 Q. When did you begin shopping for the Toshiba
 19 laptop that's the subject of this lawsuit?
 20 A. In December of '06.
 21 Q. What did you do to shop for it?
 22 A. Oh, I did a little window shopping at Best
 23 Buy to get an actual feel for the different laptops
 24 available. Of course, having previously repaired
 25 laptops, it wasn't that difficult.

8 (Pages 29 to 32)

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<p style="text-align: right;">Page 34</p> <p>1 KENNETH G. HANSEN</p> <p>2 Q. How many times did you go there?</p> <p>3 A. Specifically looking for the laptop, just</p> <p>4 once.</p> <p>5 Q. When was that?</p> <p>6 A. In December '06.</p> <p>7 Q. Did they have the Toshiba laptop that you</p> <p>8 wound up purchasing displayed?</p> <p>9 A. I don't recall if they had the specific</p> <p>10 model.</p> <p>11 Q. Did they have some Toshiba laptops</p> <p>12 displayed?</p> <p>13 A. Mm-hmm.</p> <p>14 Q. Were the Toshiba laptops they had displayed</p> <p>15 similar to the one that you had?</p> <p>16 A. Yes.</p> <p>17 Q. What differences were there, if any?</p> <p>18 A. There are -- around this particular time</p> <p>19 there seemed to be several models that are almost</p> <p>20 identical. So, the Model M115 didn't appear to have</p> <p>21 significant differences from another similar model.</p> <p>22 They were pretty much all the same.</p> <p>23 So, it got to be a point of, when making</p> <p>24 the actual purchase on Amazon, that I was looking</p> <p>25 more, so, okay, I like the Toshiba. It's got this,</p>	<p style="text-align: right;">Page 36</p> <p>1 KENNETH G. HANSEN</p> <p>2 lunch hour and did a little browsing. But that was</p> <p>3 before getting into the actual acquisition mode.</p> <p>4 Q. Where was that Target store located?</p> <p>5 A. In Norridge.</p> <p>6 Q. That's in Illinois?</p> <p>7 A. Yes.</p> <p>8 Q. Did you look at any computers at the Target</p> <p>9 store?</p> <p>10 A. I don't recall anything specific.</p> <p>11 Q. Did you look at any computers at Best Buy</p> <p>12 other than the Toshiba laptops?</p> <p>13 A. I looked at basically everything they had</p> <p>14 on display. Maybe a casual look at this one, maybe a</p> <p>15 more in-depth look at another. Again, Toshiba has a</p> <p>16 good reputation, so I tended to focus there. And they</p> <p>17 were reasonably priced.</p> <p>18 Q. Did any other computers that were on sale</p> <p>19 at Best Buy catch your eye and cause you to look at</p> <p>20 them seriously?</p> <p>21 A. Not that I recall.</p> <p>22 Q. So, you focused on the Toshiba pretty soon?</p> <p>23 A. Mm-hmm.</p> <p>24 Q. Did you compare it to computers made by</p> <p>25 IBM, for example?</p>
<p style="text-align: right;">Page 35</p> <p>1 KENNETH G. HANSEN</p> <p>2 this, this and this. That's the one I'm buying 'cuz</p> <p>3 the price is right.</p> <p>4 Q. What were you looking for in a laptop other</p> <p>5 than price?</p> <p>6 A. Upgradeability because, again, I was aware</p> <p>7 that the new operating system was coming out, screen</p> <p>8 size, weight, reputation of the product. They all</p> <p>9 generally have the same warranty, so that was not that</p> <p>10 big of a deal. Built in Wi-Fi.</p> <p>11 Q. What did you plan to use it for?</p> <p>12 A. The same functions that I use the desktop</p> <p>13 with the ability to be portable.</p> <p>14 Q. So, that would be word processing, surfing</p> <p>15 the internet, sending e-mail?</p> <p>16 A. Managing the website, as well.</p> <p>17 Q. And does the Toshiba laptop do all of those</p> <p>18 things for you satisfactorily?</p> <p>19 A. Yes.</p> <p>20 Q. Did you look in any retail stores besides</p> <p>21 Best Buy when you were shopping for the Toshiba</p> <p>22 laptop?</p> <p>23 A. When I was still working at the bank in</p> <p>24 November and starting to formulate this website and</p> <p>25 everything, I went to the Target store next door on my</p>	<p style="text-align: right;">Page 37</p> <p>1 KENNETH G. HANSEN</p> <p>2 A. I stayed away from IBM. I compared them</p> <p>3 with some Hewlett-Packards and gave passing glance at</p> <p>4 some of the lesser named Taiwan-made laptops because I</p> <p>5 know that they're not as dependable.</p> <p>6 Q. Why did you settle on the Toshiba instead</p> <p>7 of the HP?</p> <p>8 A. I just liked the Toshiba better. I can't</p> <p>9 recall any specifics. I didn't narrow it down to one</p> <p>10 versus the other. I just liked the Toshiba.</p> <p>11 Q. At the time you went into the Best Buy</p> <p>12 store, had you done any other shopping around, either</p> <p>13 on-line or in any other way?</p> <p>14 A. I was glancing around on-line, yes.</p> <p>15 There's another on-line store. It's Best something.</p> <p>16 It's not Best Buy, but it's Best something that also</p> <p>17 has good prices. At that time I had not done any</p> <p>18 business with them, so I leaned towards Amazon because</p> <p>19 of reputation.</p> <p>20 Q. What websites did you visit when you were</p> <p>21 searching for your computer?</p> <p>22 A. Other than the two I just mentioned, I</p> <p>23 don't recall any other specific sites by name. Do a</p> <p>24 Google search on laptops, you come up with tons of</p> <p>25 places. And I glanced around, but I don't recall any</p>

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<p style="text-align: right;">Page 38</p> <p>1 KENNETH G. HANSEN</p> <p>2 of them by name.</p> <p>3 Q. Did you visit the Toshiba website?</p> <p>4 A. Yes, although I don't know if that was</p> <p>5 prior to or after the purchase.</p> <p>6 Q. Did you visit the Microsoft website?</p> <p>7 A. Every Tuesday.</p> <p>8 Q. What do you mean by that?</p> <p>9 A. There was quite a spell where every Tuesday</p> <p>10 Microsoft would have updates, service patches, what</p> <p>11 have you, for XP. So, it became kind of routine that</p> <p>12 I would log on using Internet Explorer on Tuesdays or</p> <p>13 Wednesdays, go to the Microsoft website, see if any</p> <p>14 updates were available.</p> <p>15 Q. Were you doing that in November and</p> <p>16 December of 2006?</p> <p>17 A. I believe so. I'd say it became a matter</p> <p>18 of habit.</p> <p>19 Q. So, you logged onto Microsoft.com?</p> <p>20 A. MSN.com, yes. I had a little button. In</p> <p>21 Internet Explorer you click "check for updates," and</p> <p>22 it takes you to the Microsoft site.</p> <p>23 Q. At the time you were shopping for your</p> <p>24 laptop PC did you look at the Microsoft website at</p> <p>25 pages that have any information about Windows Vista?</p>	<p style="text-align: right;">Page 40</p> <p>1 KENNETH G. HANSEN</p> <p>2 Q. So, do I understand that you don't know if</p> <p>3 it was a Microsoft video or not?</p> <p>4 A. I can't say for sure. I can only assume.</p> <p>5 Q. Did you receive -- strike that.</p> <p>6 Did you visit any other websites during the</p> <p>7 time you were shopping for your laptop?</p> <p>8 MR. TILDEN: Asked and answered.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Yes, I looked at Best-something.com and</p> <p>11 some other websites, as I mentioned: I don't recall</p> <p>12 specifically the names of them.</p> <p>13 BY MR. CASPER:</p> <p>14 Q. Did you visit a Microsoft website that</p> <p>15 described the Windows Vista Capable program?</p> <p>16 A. I believe so.</p> <p>17 Q. Before you bought the Toshiba laptop?</p> <p>18 A. Yes, I believe so.</p> <p>19 Q. Did you actually receive the PC on December</p> <p>20 22nd, 2006?</p> <p>21 A. It was shipped Fed Ex. I don't recall the</p> <p>22 date it was delivered.</p> <p>23 MR. TILDEN: At your convenience, Chuck, could we</p> <p>24 take a couple-minute break?</p> <p>25 MR. CASPER: Sure. Now is fine.</p>
<p style="text-align: right;">Page 39</p> <p>1 KENNETH G. HANSEN</p> <p>2 A. I recall a demo. I don't know if --</p> <p>3 specifically if it was from Microsoft's site or not,</p> <p>4 but I recall viewing a demo of all the bells and</p> <p>5 whistles about Vista.</p> <p>6 Q. Did you do that before or after you bought</p> <p>7 your PC?</p> <p>8 A. Before.</p> <p>9 Q. What do you mean by the "bells and</p> <p>10 whistles" of Vista?</p> <p>11 A. The fancy way that the new screen -- that</p> <p>12 the menus were transparent-type things. It's been so</p> <p>13 long now, I can't remember a lot of them. But it</p> <p>14 looked like it was going to be really a great</p> <p>15 improvement. To find out later that those</p> <p>16 improvements were in the advanced versions of Vista</p> <p>17 didn't come to my attention till after I made this</p> <p>18 purchase.</p> <p>19 Q. Do you know what website had this demo?</p> <p>20 A. No.</p> <p>21 Q. Was it an animated demo in the sense that</p> <p>22 it had video, or was it just static images?</p> <p>23 A. It was a video.</p> <p>24 Q. How long did it last?</p> <p>25 A. A couple minutes.</p>	<p style="text-align: right;">Page 41</p> <p>1 KENNETH G. HANSEN</p> <p>2 (Recess.)</p> <p>3 BY MR. CASPER:</p> <p>4 Q. When you were in the Best Buy store</p> <p>5 shopping for your PC, was there information about</p> <p>6 Windows Vista in the store for customers?</p> <p>7 A. Oh, I seem to recall it everywhere.</p> <p>8 Q. What sort of information did you see?</p> <p>9 A. Just that it's coming and the machines with</p> <p>10 the Vista stickers, basically. It was the hubbub at</p> <p>11 that time.</p> <p>12 Q. When you were shopping in Best Buy and the</p> <p>13 other stores that you mentioned before you bought your</p> <p>14 PC, did you see brochures regarding Windows Vista?</p> <p>15 A. I don't recall.</p> <p>16 Q. Well, you said it was everywhere.</p> <p>17 A. Signs.</p> <p>18 Q. Signs and brochures and shelf cards and</p> <p>19 that kind of thing in the retail stores?</p> <p>20 A. I don't specifically recall a brochure</p> <p>21 per se, but the signs, the new logo was predominant,</p> <p>22 perhaps because it was right around Christmas and it</p> <p>23 was coming out.</p> <p>24 Q. And by "signs," you mean big signs in the</p> <p>25 store or do you mean little signs on the shelf or</p>

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<p style="text-align: right;">Page 42</p> <p>1 KENNETH G. HANSEN</p> <p>2 both?</p> <p>3 A. Both.</p> <p>4 Q. Were there little cards posted on the</p> <p>5 shelves that described the features of Windows Vista?</p> <p>6 A. I can't specifically recall what they said.</p> <p>7 In my memory I just recall the logo and the word</p> <p>8 "Vista" as a predominant feature being advertised</p> <p>9 everywhere.</p> <p>10 Q. And you recall that the stores had</p> <p>11 available big signs in the store itself, and also</p> <p>12 smaller signs on the shelves around where the PCs were</p> <p>13 displayed?</p> <p>14 A. I believe so, yes.</p> <p>15 Q. Do you recall if they had brochures?</p> <p>16 A. I wasn't paying that close attention, I</p> <p>17 guess.</p> <p>18 Q. Do you recall the information available in</p> <p>19 the stores telling you about the different versions of</p> <p>20 Windows Vista that were coming out?</p> <p>21 A. No.</p> <p>22 Q. Do you recall what was on that information?</p> <p>23 A. I just remember the logo and the name.</p> <p>24 Q. When did you first become aware of the</p> <p>25 Windows Vista Capable logo?</p>	<p style="text-align: right;">Page 44</p> <p>1 KENNETH G. HANSEN</p> <p>2 Q. When you were shopping for your laptop, did</p> <p>3 you have any particular specifications in mind by way</p> <p>4 of a video card or the video chip that runs the</p> <p>5 graphics?</p> <p>6 A. No. My recollection was that it was pretty</p> <p>7 standard with laptops as opposed to a desktop where</p> <p>8 you would buy a high-end graphics card for gaming and</p> <p>9 that sort of thing. It didn't seem to be that</p> <p>10 critical of a feature with laptops. They seemed to</p> <p>11 all be the same.</p> <p>12 Q. What operating system is installed on the</p> <p>13 Toshiba laptop?</p> <p>14 A. XP.</p> <p>15 Q. Which version of XP?</p> <p>16 A. Service Pack 2.</p> <p>17 Q. Which edition?</p> <p>18 A. I'm not aware that Service Pack had</p> <p>19 multiple editions.</p> <p>20 Q. Well, let me just represent to you that</p> <p>21 there is a Windows XP Home and a Windows XP</p> <p>22 Professional and a Windows XP Media Center edition.</p> <p>23 Do you know --</p> <p>24 A. Now I gotcha. This is the Media Center.</p> <p>25 Q. So, your laptop has Windows XP Media Center</p>
<p style="text-align: right;">Page 43</p> <p>1 KENNETH G. HANSEN</p> <p>2 A. I had seen the logo in both the</p> <p>3 advertisements on the internet as well as in the</p> <p>4 store. More specifically, I became mostly aware of it</p> <p>5 when I got the laptop and I opened it. I said, "Oh,</p> <p>6 good. I did get the right one. It can handle Vista"</p> <p>7 when I saw the sticker. That was my most memorable</p> <p>8 point of it.</p> <p>9 Q. Would it be correct to say that when you</p> <p>10 bought the laptop you did not know whether it would</p> <p>11 have a Windows Vista Capable sticker on it or not?</p> <p>12 A. That was one of the features that I was</p> <p>13 looking for. So, yes, I was aware that the one I was</p> <p>14 ordering did in fact say it would handle Vista. And</p> <p>15 then it was confirmed to me when I actually got it and</p> <p>16 I opened it. I said, "Oh, good. It can. I didn't</p> <p>17 make a mistake."</p> <p>18 Q. Did you see the Windows Vista Capable</p> <p>19 sticker posted on the Toshiba website?</p> <p>20 A. I don't recall.</p> <p>21 Q. Before you bought the laptop did you read</p> <p>22 any other information that you haven't told me about</p> <p>23 so far this morning about what the Windows Vista</p> <p>24 Capable sticker meant?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 45</p> <p>1 KENNETH G. HANSEN</p> <p>2 edition preinstalled on it?</p> <p>3 A. Yes.</p> <p>4 Q. At the time you bought the laptop, did you</p> <p>5 plan to use any Adobe applications?</p> <p>6 A. Yes, Adobe Photoshop and the program for</p> <p>7 running pdf files. I --</p> <p>8 Q. Adobe Acrobat?</p> <p>9 A. Thank you.</p> <p>10 Q. Do you have Adobe Photoshop?</p> <p>11 A. Yes.</p> <p>12 Q. Does it work fine on your computer?</p> <p>13 A. Yes.</p> <p>14 Q. What do you do with it?</p> <p>15 A. Not much. I'm trying to self-teach myself.</p> <p>16 To my knowledge it seems to work okay, but I'm not</p> <p>17 fluent in graphic design.</p> <p>18 Q. Where did you get Adobe Photoshop?</p> <p>19 A. I don't even recall. I bought it</p> <p>20 somewhere, somewhere cheap. I think I bought it off</p> <p>21 of -- I can't think of the name of the website. I'm</p> <p>22 sorry. I just don't recall.</p> <p>23 Q. When did you do that?</p> <p>24 A. Sometime in the spring.</p> <p>25 Q. Spring of --</p>

12 (Pages 42 to 45)

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1
2 A. It's a program by Microsoft called the
3 Vista -- it's on my desktop. I'd have to look at it
4 for its exact name, but something to the -- something
5 to the effect of a Vista compatibility program. It
6 does a search of the components on the computer that
7 it's running and lists what compatibility there is for
8 the different versions of Vista. I first ran that
9 when I first learned of it earlier this year. And
10 again -- I downloaded and ran it again recently after
11 adding the memory and everything.
12 Q. Did you run it the first time in 2007?
13 A. Yes.
14 Q. Before or after Windows Vista was released?
15 A. I'm not sure, but I believe after.
16 Q. What did it tell you?
17 A. I've ran it so many times now, I can't
18 remember what the first result was. It -- I mean, I
19 recall it did indicate that I could run some of the
20 lower versions of Vista. Around the same time as when
21 I was reading the actual memory requirements from
22 different trade articles. Not requirements, but what
23 makes it run properly or efficiently.
24 Q. Did you run it again after installing the
25 additional memory that you purchased?

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KENNETH G. HANSEN

1
2 A. I don't recall if I ran that before or
3 after putting in the additional memory.
4 Q. Is it your understanding that with the
5 additional memory that it now has that your laptop is
6 able to run Windows Vista Home Premium?
7 A. That being this second level up of Vista,
8 yes.
9 Q. Could you take a look at page 2 of Exhibit
10 1, which is marked PLTFS 007?
11 A. Mm-hmm.
12 Q. Is that the shipping confirmation for your
13 laptop?
14 A. Appears to be the packing slip.
15 Q. Could you look at the next page, which is
16 marked PLTFS 008? It's a receipt from the Best
17 Messenger Service, Inc. What's the date on that?
18 A. It says 11/3/07.
19 Q. I think you brought the original here this
20 morning. Let me have you look at the original and see
21 if you could read the date on the original any better.
22 A. 1/3/07 it looks like it should be. But for
23 some reason it looks like they wrote an 11. Of
24 course, that couldn't possibly be because that was
25 just last week.

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KENNETH G. HANSEN

1
2 Q. So, you believe it's January 3rd, 2007?
3 A. I believe so.
4 Q. Now, what is this?
5 A. If memory serves me correct, Fed Ex showed
6 up with a door tag and not the product, making it
7 appear that they were attempting to deliver it but I
8 wasn't home. Well, I was. And I'm going to assume
9 the driver was sloughing off or something. But here's
10 this door tag. Where's the laptop? I was getting a
11 little bit angry with the driver. What do you mean
12 you're attempting to deliver it? I'm right here.
13 Where's the product?
14 I called the Fed Ex office and explained to
15 them. You know, I said, "This is wrong. I want this
16 thing delivered today. You brought a door tag. You
17 didn't bring the product."
18 I had to escalate that to a supervisor, and
19 they said, "All right. We'll get it out to you
20 today." And a couple hours later this messenger
21 showed up. So, it was a delivery issue with Fed Ex
22 and their driver, but it got resolved through this
23 messenger service.
24 Q. Did you unpack the computer on January 3rd,
25 2007?

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KENNETH G. HANSEN

1
2 A. I'm sure I did.
3 Q. Okay. What type of box was it packed in?
4 A. A cardboard box. I don't recall if it was
5 a Fed Ex or just a plain brown. I mean, I order -- or
6 was at that time ordering a lot of things on-line. I
7 can't recall specifically what the box looked like.
8 Q. Do you still have the box?
9 A. No.
10 Q. Did you discard it?
11 A. Yes.
12 Q. When did you do that?
13 A. Probably -- generally I will keep something
14 that I order on-line, I'll keep the packing material
15 for about a month to make sure that it doesn't have to
16 get shipped back. If it -- you know, if after a month
17 everything's still good, then I clear out the boxes.
18 Q. What did you do in this case?
19 A. I assume I did just that because it's my
20 normal routine.
21 Q. What markings do you recall on the box?
22 A. I don't recall.
23 Q. Were there any labels on the box other than
24 the shipping label?
25 A. I really don't think it was anything other

13 (Pages 49 to 52)

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1 KENNETH G. HANSEN
 2 A. I can't recall specifically.
 3 Q. Do you know one way or another whether
 4 there was any information about Windows Vista or
 5 Windows Vista Capable on the outside of that box?
 6 A. Can't say for sure.
 7 Q. What was inside the box?
 8 A. The laptop, charger, battery, an accessory
 9 catalog, the warranty information, manual, recovery
 10 CD. Pretty much all I recall.
 11 Q. Did you discard any of the papers that were
 12 inside either of the two boxes?
 13 A. No. However, I have been unable to locate
 14 the owner's manual, and I don't recall seeing it. But
 15 that doesn't mean it wasn't there.
 16 Q. So, I understand that you looked for other
 17 papers relating to your purchase and that you brought
 18 some for me to look at today, is that right?
 19 A. I gave everything to Jeff here that I could
 20 find.
 21 Q. Do you have anything that came in the box,
 22 any papers that came in the box that you didn't bring
 23 in?
 24 A. No. I searched everything, and anything I
 25 could find relative to this purchase I produced to

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1 KENNETH G. HANSEN
 2 Jeff.
 3 Q. So, everything that you saved has been
 4 delivered?
 5 A. Except for the recovery CD, which I still
 6 have at home.
 7 Q. And I take it you're not sure whether there
 8 were some things that came in the box that you
 9 discarded or lost, such as the owner's manual?
 10 A. Other than the owner's manual, I don't
 11 recall anything, no.
 12 Q. Were there any other sheets of information
 13 that you no longer have that came in the box?
 14 A. Not that I'm aware of.
 15 Q. Do you know one way or another?
 16 A. No. I believe you have everything I have.
 17 Q. Could you turn to the next page of Exhibit
 18 12, which is PLTFS 009?
 19 A. Mm-hmm.
 20 Q. This appears to be an invoice for memory
 21 dated May 15th, 2007, is that correct?
 22 A. Yes.
 23 Q. Did you purchase new memory for the
 24 computer?
 25 A. Yes, additional memory.

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1 KENNETH G. HANSEN
 2 Q. How much additional memory did you get?
 3 A. One gigabyte.
 4 Q. So, your computer now has one and a half
 5 gigabytes, is that correct?
 6 A. Yes.
 7 Q. Did you install it yourself?
 8 A. Yes.
 9 Q. Did you have any problems doing that?
 10 A. No.
 11 Q. Does it work fine?
 12 A. Yes, it does.
 13 Q. This page indicates that your Toshiba
 14 Satellite has a 945 chipset. Do you know if that's
 15 correct?
 16 A. Can't say for sure.
 17 Q. How much did you pay for the memory?
 18 A. 74.99, according to the receipt.
 19 Q. Now, am I correct that had you chosen to,
 20 you could also have bought 512 megabytes of memory
 21 instead of one gigabyte?
 22 A. Yes.
 23 Q. And am I correct that had you chosen to,
 24 the 512 megabytes of memory would have cost 49.99?
 25 A. I suppose. I really don't recall what the

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1 KENNETH G. HANSEN
 2 price was.
 3 Q. Could you look at page PLTFS 012?
 4 A. Oh, 49.99.
 5 Q. So, does page 012 show that one of the
 6 available options you could have chosen from the
 7 company that sells memory is 512 megabytes for 49.99?
 8 A. Yes.
 9 Q. And that would have given you a total of
 10 one gigabyte?
 11 A. Mm-hmm.
 12 Q. Why did you choose to get more than that?
 13 A. Based on, again, articles. Specifically
 14 one that comes to mind is one from Kim Komando saying
 15 that one gigabyte with Vista's okay, but two is much
 16 better. And this reminds me here that the two
 17 gigabyte chip was much more expensive than the one
 18 gigabyte. So, I sort of compromised and figured,
 19 okay. I'll put a gig in to give me a gig and a half,
 20 and that should be sufficient.
 21 Q. Why did you buy additional memory?
 22 A. Well, for one, it speeds up the operation
 23 of software and, two, as I mentioned, the trade
 24 articles and everybody said you really need to put
 25 more memory in if you're gonna run Vista.

15 (Pages 54 to 57)

KENNETH G. HANSEN

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1 KENNETH G. HANSEN
 2 A. Both new and otherwise, or just new?
 3 Q. Let's speak of new ones.
 4 A. Okay. Two.
 5 Q. Which ones are those?
 6 A. This one and my Dell Dimension.
 7 Q. When you bought your Dell Dimension, what
 8 was the shopping around process that you used before
 9 you bought it?
 10 A. Basically, I was able to get that on credit
 11 and design the components I wanted. It was a
 12 built-to-order type of thing where you telephoned out,
 13 talked to a representative, discussed what you wanted
 14 in a machine. They built it to order and shipped it
 15 to you.
 16 And at that time that was the only company
 17 I knew doing that. And my previous service experience
 18 told me that Dell was a good product. And it is. So,
 19 that was the selling point, its reputation and the
 20 fact that it was a built-to-order machine.
 21 Q. Did you look around in stores before you
 22 bought the Dell Dimension?
 23 A. No.
 24 Q. Did you read magazines before you bought
 25 the Dell Dimension?

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1 KENNETH G. HANSEN
 2 A. Sure, but not to the extent of comparison
 3 shopping. I pretty much had it in my mind that I
 4 liked the way that they presented that build to order,
 5 and that was fine by me. Good product. I'll buy it.
 6 Q. Did you shop around at any websites besides
 7 Dell's before you bought it?
 8 A. No. I was pretty much predisposed to
 9 buying that particular product and in that manner.
 10 Q. When you bought the Toshiba laptop that's
 11 here on the table right now, why did you buy it from
 12 Amazon.com instead of directly from CompUSA?
 13 A. Because Amazon.com lists the product, and
 14 you don't actually know who's sending it to you. In
 15 other words, Amazon.com lists the CompUSA, but you
 16 don't really know it's CompUSA until you get the
 17 packing slip. I'm familiar with CompUSA, but I just
 18 purchased it off of Amazon.
 19 Q. When you got your receipt, did you
 20 understand that it was coming from CompUSA?
 21 A. Yes.
 22 Q. Did you know that before you bought it?
 23 A. No.
 24 Q. Did you consider buying it directly from
 25 Toshiba?

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1 KENNETH G. HANSEN
 2 A. No.
 3 Q. Why not?
 4 A. I don't remember what the deciding factor
 5 was. I was used to doing business with Amazon.
 6 When I was working at the bank, they had a
 7 reward system for performance and things like that,
 8 and they would give you chits that were worth money at
 9 Amazon.com for whatever you wanted to buy, whether it
 10 be a book, a quilt or a computer. And I earned a lot
 11 of points at the bank, and I bought a lot of different
 12 things from Amazon.
 13 So, when it came time to buy the laptop,
 14 it's kind of like, okay. I'm gonna go back to the
 15 store that I'm used to shopping at. And that was
 16 Amazon.
 17 Q. Does anybody use the Toshiba laptop besides
 18 you?
 19 A. Yes. Rick Buckley that I mentioned
 20 earlier.
 21 Q. How long has he been using it?
 22 A. Since he came in at the end of July.
 23 Q. What does he use it for?
 24 A. Chat line, e-mail, surfing.
 25 Q. As far as you know, is it working fine for

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1 KENNETH G. HANSEN
 2 him?
 3 A. Yeah.
 4 Q. I take it from the software that you
 5 mentioned is installed on your computer that you're
 6 familiar with the problems of viruses and security
 7 issues with PCs these days, is that correct?
 8 A. Mm-hmm.
 9 Q. And is it important to you to have a
 10 computer that is as secure as it can be?
 11 MR. TILDEN: Object to the form.
 12 BY THE WITNESS:
 13 A. Yes. As a matter of fact, I run those
 14 security programs on a regular basis. I try to run
 15 them once a week just to get adware and all that junk
 16 off the computer. I'm worried about key logging
 17 because of my bank information. You know, I log onto
 18 my bank and things like that.
 19 Q. Is computer security an important
 20 consideration for you?
 21 A. Yes.
 22 Q. Have you had any security problems either
 23 with your Dell or your Toshiba?
 24 A. Nothing more than cleaning off routine
 25 adware.

20 (Pages 77 to 80)

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KENNETH G. HANSEN November 7, 2007

<p style="text-align: right;">Page 82</p> <p>1 KENNETH G. HANSEN</p> <p>2 MR. TILDEN: Object to the form.</p> <p>3 BY MR. CASPER:</p> <p>4 Q. Do you consider it important for a computer</p> <p>5 not to crash in the way that you just described?</p> <p>6 A. Very much.</p> <p>7 Q. Have you had any problems with reliability</p> <p>8 or crashes with the Toshiba laptop that you got?</p> <p>9 A. Not at all.</p> <p>10 Q. Did you have any such problems with the</p> <p>11 Dell?</p> <p>12 A. No.</p> <p>13 Q. Do you sometimes use a search or a find</p> <p>14 feature in order to locate a particular file on your</p> <p>15 computer?</p> <p>16 A. Yes.</p> <p>17 Q. Do you consider it important how fast that</p> <p>18 works?</p> <p>19 MR. TILDEN: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. It's not critical. I mean, if I'm in a</p> <p>22 hurry to find something, I'm in a hurry to find</p> <p>23 something. But otherwise, the Windows search feature</p> <p>24 has always been adequate as far as speed.</p> <p>25 BY MR. CASPER:</p>	<p style="text-align: right;">Page 84</p> <p>1 KENNETH G. HANSEN</p> <p>2 like, one or two free calls per license key. And I</p> <p>3 called them because I couldn't get a certain program</p> <p>4 on the recovery disk to load. They told me where to</p> <p>5 download that particular file off the website. I did,</p> <p>6 completed reinstalling all my software, and everything</p> <p>7 was fine.</p> <p>8 Q. Did your Toshiba laptop come with the</p> <p>9 so-called Express Upgrade option?</p> <p>10 A. Referring to Vista?</p> <p>11 Q. Yes.</p> <p>12 A. No.</p> <p>13 Q. Do you know what I mean by that?</p> <p>14 A. I believe that to be like a coupon to get</p> <p>15 an upgrade from XP to Vista.</p> <p>16 Q. Yes, either free or for a reduced price.</p> <p>17 A. Yes. I was actually disappointed that it</p> <p>18 didn't come with one.</p> <p>19 Q. When did you learn that it didn't come with</p> <p>20 one?</p> <p>21 A. When I got the laptop delivered.</p> <p>22 Q. Did you check into that before you decided</p> <p>23 to buy?</p> <p>24 A. No. I had heard that it was kind of a</p> <p>25 standard thing with new laptops. I didn't look to see</p>
<p style="text-align: right;">Page 83</p> <p>1 KENNETH G. HANSEN</p> <p>2 Q. Do you consider it a desirable feature for</p> <p>3 the search feature to run quickly rather than slowly?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever contacted Microsoft about</p> <p>6 either of these laptops or the software that's on</p> <p>7 them?</p> <p>8 MR. TILDEN: Object to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I've never contacted Microsoft regarding</p> <p>11 the laptop.</p> <p>12 BY MR. CASPER:</p> <p>13 Q. And by "contact Microsoft," I mean call</p> <p>14 Microsoft or send Microsoft an e-mail. Is that how</p> <p>15 you understood it?</p> <p>16 A. Yes.</p> <p>17 Q. Did you contact Microsoft about the Dell</p> <p>18 computer?</p> <p>19 A. Yes.</p> <p>20 Q. Why?</p> <p>21 A. Several times with the Dell I had</p> <p>22 downloaded so much junk that I stripped the hard drive</p> <p>23 down to zero, reformatted it and built it back up.</p> <p>24 And I was having problems with my recovery</p> <p>25 disk for XP. And it seems to me Microsoft allows you,</p>	<p style="text-align: right;">Page 85</p> <p>1 KENNETH G. HANSEN</p> <p>2 that it specifically would come with it, but I was</p> <p>3 disappointed when it wasn't there. Nobody to blame</p> <p>4 but myself on that. I should have inquired.</p> <p>5 Q. You mentioned that you saw the Windows</p> <p>6 Vista Capable logo on-line during the time you were</p> <p>7 shopping around for computers, correct?</p> <p>8 A. I believe so, yeah.</p> <p>9 Q. And I take it you must also, then, have</p> <p>10 seen the Premium Ready designation that Microsoft had,</p> <p>11 as well, is that right?</p> <p>12 A. I have seen the Premium logo, but only</p> <p>13 after I had purchased this. I just knew to look for</p> <p>14 the Vista sticker. That was the extent of it at the</p> <p>15 time that I was making this purchase. Again, I was</p> <p>16 even vague about the different versions that were</p> <p>17 coming out as they hadn't been released yet.</p> <p>18 Q. So, am I correct that at the time you</p> <p>19 bought the computer, you did not know which versions</p> <p>20 of Windows Vista would run on this computer?</p> <p>21 MR. TILDEN: Object to the form. Go ahead.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I just looked for the Vista -- the word</p> <p>24 "Vista," and went, okay. This is something that can</p> <p>25 take Vista. That was really all I knew about it at</p>

22 (Pages 82 to 85)

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1 KENNETH G. HANSEN

2 STATE OF ILLINOIS)

)

3 COUNTY OF GRUNDY)

4
5 The within and foregoing deposition of the
6 aforementioned witness was taken before MARGARET A.
7 BACHNER, CSR and Notary Public, at the place, date and
8 time aforementioned.

9 There were present during the taking of the
10 deposition the previously named counsel.

11 The said witness was first duly sworn and
12 was then examined upon oral interrogatories; the
13 questions and answers were taken down in shorthand by
14 the undersigned, acting as stenographer and Notary
15 Public; and the within and foregoing is a true,
16 accurate and complete record of all of the questions
17 asked of and answers made by the aforementioned
18 witness, at the time and place hereinabove referred
19 to.

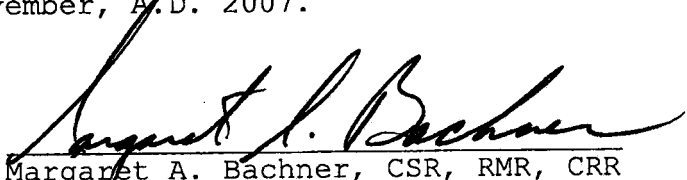
20 The signature of the witness was not
21 waived, and the deposition was submitted, pursuant to
22 Rules 30(e) and 32(d) of the Rules of Civil Procedure
23 for the United States District Court, to the deponent
24 per copy of the attached letter.
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(800) 869-9132**

1 The undersigned is not interested in the
2 within case, nor of kin or counsel to any of the
3 parties.

4 Witness my official signature and seal as
5 Notary Public in and for Grundy County, Illinois, on
6 this 9th day of November, A.D. 2007.

7
8 
9 Margaret A. Bachner, CSR, RMR, CRR
10 Illinois CSR No. 84-1481
11 Notary Public State of Illinois
12 My commission expires 6/22/2010

